

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 21/9/87

APPLICATION NO 330

/ 87 (F)

W.P. NO

Applicant

Shri G. Ramaswamy V/s The GM, Telecommunications & 3 Ors

To

1. Shri G. Ramaswamy
4, Ananthanagar III Cross
Bapujinagar
G.E.F. Post
Bangalore - 560 026

2. Shri S. Siddaiah
Advocate
421, 11th 'B' Cross
1st Phase, J.P. Nagar
Bangalore - 560 078

3. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

4. The Assistant General Manager (MM)
C/o The General Manager
Karnataka Circle
Bangalore - 560 009

5. The Divisional Engineer (Rural)
Bangalore Telecom District
19/1, B.V.K. Iyengar Road
Bangalore - 560 009

6. The Assistant Engineer-in-Charge
Circle Telecom - Store Depot
Vijayanagar North Post
Bangalore - 560 079

7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH High Court Bldgs
Please find enclosed herewith the copy of ORDER/XXXXX
XXXXXX ORDER passed by this Tribunal in the above said

application on 21-8-87

B.V. Venkatesh
DEPUTY REGISTRAR

Section Officer
(JUDICIAL)

Encl : as above

Received two

COPY OF SL-N0.1 & 2

G. Ramaswamy

G. Ramaswamy

RECEIVED (7) Comd 3/9/87

103/9/87

Amul

Diary No. 1100 CR 187

Date: 21/9/87 B

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 21st DAY OF AUGUST, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-chairman

Hon'ble Sri P.Srinivasan Member (A)

APPLICATION NO. 330/87(F)

G.Ramaswamy,
r/a No.4., Ananthanagar
III rd Cross, Bapujinagar,
G.E.F.Post, Bangalore - 26. ...

Applicant

(Sri S.Siddaiah ... Advocate)

vs.

1. The General Manager,
Tele-communications,
Karnataka Circle,
Bangalore - 9.

2. The Assistant General Manager(MM)
C/o the General Manager,
Karnataka Circle,
Bangalore - 9.

3. The Divisional Engineer (Rural)
Bangalore Telecom District,
No.19/1, E.V.KIyengar Road,
Bangalore - 9.

4. The Assistant Engineer-in-charge,
Circle Telecom-Store Depot,
Vijayanagar North Post,
Bangalore - 79. ...

Respondents

(Sri M.Vasudeva Rao ... Advocate)

This application has come up before the Court
today. Hon'ble Sri P.Srinivasan, Member(A) made the
following :

ORDER

The applicant, who took voluntary retirement from
the post of Section Supervisor w.e.f.1.12.1986, complains
in this application that he was wrongly held up at
the Efficiency Bar('EB') stage of his pay scale on 1.3.1983

P.S. Srinivasan



when he was due to cross the same.

2. Sri S.Siddaiah, learned counsel for the applicant, contends that the applicant who belongs to a Scheduled caste, ~~M~~ ^M became due to cross the EB for the first time on 1.3.1983 but his case was not considered at that time but much later. The Departmental Promotion Committee ('DPC') which met, for the purpose only on 31.1.1986 apparently considered events which occurred after 1.3.1983 and declared him unfit to cross the EB. According to him, the applicant had a good enough record as on 1.3.1983 to be allowed to cross the EB. A minor penalty was imposed on him for alleged wrong claim of LTC, but that was much later than 1.3.1983 and should not have stood in the way of his crossing the EB on 1.3.1983.

3. Sri M.Jasudeva Rao, learned counsel for the respondents, contended that the DPC did not find the applicant fit for crossing the EB on 1.3.1983. No doubt the DPC was held on 31.1.1986, but it considered the character roll (CR) of the applicant as on 1.3.1983, and also on three successive dates, i.e., as on 1.3.1984, 1.3.1985 and 1.3.1986, but found him unfit for crossing the EB on all these dates. The order imposing penalty was not taken into account for considering his fitness as on 1.3.1983, Sri Rao asserted.

4. The respondents have produced the records of the DPC as well as the annual CR of the applicant, which we have perused. We find that in the CRs of the applicant for the years 1980-81, 1981-82, the reporting officer has considered him fit for promotion. In the report for 1982-83, no such column is available. However, we find the following entries in the report for 1982-83 : 'Devoted to duty',

P. S. Rao



'industrious', 'trustworthy', 'managing staff reasonably well' and 'obedient', while against some other columns, the comments are 'satisfactory', 'average' etc. The same is the situation in regard to the CRs for the two earlier years. We are of the view that for the purpose of deciding fitness for crossing EB, it is sufficient to see the CR for the year in which a person becomes due for crossing the EB and for two year immediately prior to it. Moreover, for crossing EB, the criterion to be applied should not be the same as for promotion to a selection post. Bearing these factors in mind, we are satisfied that the CRs of the applicant for the three years 1980-81, 1981-82 and 1982-83 are good enough to allow him to cross the EB from 1.3.1983. In this view, it is unnecessary to consider the position as on subsequent dates, i.e., 1.3.1984, 1.3.1985 and 1.3.1986.

5. In view of what we have stated above, we have no hesitation in quashing the contents of letters dated 17.2.1986 (Annexure-4), 5.5.1986(Annexure-6) and 27.4.1986(Annexure-7) whereby the decision of the DPC was intimated to the applicant that he had been ^{been} ~~not~~ allowed to cross the EB. We direct the respondents to allow the applicant to cross the EB from 1.3.1983 and to give him all consequential financial benefits flowing therefrom. The application is allowed on these terms. Parties to bear their own costs.

Sd---

Sd---

VICE-CHAIRMAN

MEMBER (A)

B. V. Venkatesh
DEPUTY CHIEF JUDGE
FEDERAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
27/9/1991
an.